

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AJR 1 (Holden)  
Version: March 29, 2023  
Hearing Date: June 13, 2023  
Fiscal: No  
Urgency: No  
AWM

**SUBJECT**

Republic of Artsakh

**DIGEST**

This joint resolution condemns Azerbaijan's blockade of Artsakh and urges the federal government to take immediate action to assist the Armenians of Artsakh.

**EXECUTIVE SUMMARY**

The Republic of Artsakh is an enclave within Azerbaijan with a population that is ethnically majority Armenian. Beginning in 2022, the sole connecting land route between the Artsakh region and Armenia was blockaded by Azerbaijanis, creating a humanitarian crisis as Armenians in Artsakh are unable to access medical supplies, fuel, and other necessities of life. This resolution condemns Azerbaijan's blockade of Artsakh; calls for the Biden Administration to recognize the independence of Artsakh and take tangible action to hold Azerbaijan accountable for the blockade; and requests immediate humanitarian assistance to Armenians in Artsakh.

The resolution starts by recounting the 2,000 year history of the Armenian people living in and around Artsakh, as well as the long history of their oppression, including the Armenian Genocide of 1915; the separation of Artsakh from Armenia by Azerbaijani authorities; and reprisals for the democratic vote of the Armenians of Artsakh for their own independence. The resolution also celebrates the Armenians of Artsakh for their ability to consolidate a free and democratic society, including by holding a successful referendum for independence in 1991, despite constant attempts by Azerbaijan to undermine the security and prosperity of Artsakh.

This resolution is sponsored by the author and is supported by the Armenian National Committee of America, the Armenian National Committee of America - Western Region, the Armenian Relief Society of Western USA, and the Counselor of the

Consulate General of Armenia in Los Angeles. This resolution is opposed by the Acting Consular General for the Consulate of the Republic of Azerbaijan in Los Angeles.

### **PROPOSED CHANGES TO THE LAW**

This resolution:

1) Declares that:

- a) Artsakh is the ancestral homeland of the Armenian people and has been a center of Armenian language, culture, and religion, having maintained its autonomy for over two millennia;
- b) The Armenians of Artsakh were targeted during the Armenian Genocide of 1915 by Azerbaijani nationalists with the backing of the Ottoman Empire, where they massacred over 30,000 Armenians in Baku, over 20,000 Armenians in Shushi, and over 10,000 Armenians in Nakhichevan;
- c) Artsakh was an integral part of the First Republic of Armenia founded in the wake of the Armenian Genocide due to the advocacy of United States President Woodrow Wilson, who recognized the independence of the fledgling Armenian state;
- d) Despite Artsakh's distinctly Armenian identity, it was arbitrarily and illegally separated from Armenia by the Soviet Union at the direction of Joseph Stalin in 1921 and placed under the administrative control of Soviet Azerbaijan;
- e) For over 70 years, the Armenians of Artsakh suffered routine discrimination and persecution at the hands of Soviet Azerbaijani authorities culminating in anti-Armenian pogroms in Sumgait (1988), Kirovabad (1988), and Baku (1990), resulting in hundreds of deaths and forced displacement of over 400,000 Armenians;
- f) In response to escalating anti-Armenian violence, the Armenians of Artsakh exerted their right to self-determination and declared their independence on September 2, 1991, which was reaffirmed by referendum on December 10 of the same year, recognizing that the Azerbaijani government was unable and unwilling to ensure the fundamental rights of the Armenian people;
- g) Azerbaijan shortly thereafter launched a war of aggression against Armenia and Artsakh that saw Azerbaijani lay siege to Armenian towns and cities, and perpetrate human rights violations, which ended in Armenian victory with a ceasefire brokered by Russia;
- h) For the next 25 years, the Armenians of Artsakh consolidated a free and democratic society despite attempts by Azerbaijan to undermine the security and prosperity of the region;
- i) In September 2020, Azerbaijan abandoned decades of multilateral diplomacy and launched a war of territorial expansion against the Armenians of Artsakh that resulted in the ethnic cleansing of over 70 percent of Artsakh territory;
- j) Azerbaijan perpetrated widely documented human rights abuses, including the unlawful targeting of schools, homes, hospitals, and churches with

- prohibited weapons, the execution of Armenian civilians, and torture of Armenian prisoners of war;
- k) Following a trilateral ceasefire agreement signed in November 2020, Azerbaijan's aggression has continued unabated, including routine incursions into Artsakh's territory and the continuous invasions and occupation of the sovereign territory of the Republic of Armenia since May 2021;
  - l) Azerbaijan has maintained a total blockade of Artsakh since December 12, 2022, completely severing Artsakh's only humanitarian lifeline to Armenia, preventing the transport of food, fuel, medicine, and other vital humanitarian supplies to the region, leaving Artsakh's 120,000 Armenians facing critical shortages of life-sustaining goods;
  - m) The State of California is home to the largest Armenian American population in the United States, and Armenians living in California have enriched our state through their contributions in business, agriculture, academia, government, and the arts;
  - n) The State of California encouraged and supported the continuing efforts of the Armenians of Artsakh to develop as a free and independent nation in 2014 and has been at the forefront of efforts to raise awareness of the plight of its indigenous Armenian population amidst Azerbaijan's relentless aggression;
  - o) The United States acknowledged the threat Azerbaijan poses to the Armenians of Artsakh with the passage of Section 907 of the FREEDOM Support Act in 1992, which prohibited the provision of United States assistance to Azerbaijan until the time it ceases all blockades and the offensive use of force against Armenia and Nagorno-Karabakh;
  - p) Azerbaijan remains committed to enacting a policy of ethnic cleansing against the Armenians of Artsakh to impose its will on the Armenian people through the use of coercion, intimidation, and the use of force.
- 2) Resolves on behalf of the Assembly and the Senate of the State of California, jointly, the following
- a) The State of California unequivocally condemns the illegal and inhumane blockade enforced by Azerbaijan against Artsakh.
  - b) The Legislature respectfully calls on the President of the United States and the United States Department of State to condemn Azerbaijan's blockade against the Armenian people and immediately take action to hold Azerbaijan accountable for its human rights abuses and war crimes through the enforcement of restrictions on the provision of military assistance to Azerbaijan pursuant to Section 907 of the FREEDOM Support Act, and through the imposition of targeted sanctions on Azerbaijani officials involved directly in the commissioning of war crimes.
  - c) The Legislature calls on the President of the United States and the United States Agency for International Development to work to immediately facilitate the provision of urgent humanitarian assistance by way of airlift to

- the Armenians of Artsakh in order to prevent an impending humanitarian catastrophe.
- d) The Legislature calls on the Biden administration to introduce a United Nations Security Council resolution to establish a United Nations Mission in Nagorno-Karabakh, consisting of at least 5,000 military personnel and representing at least two permanent members of the United Nations Security Council and the OSCE Minsk Group co-chairs.
  - e) The Legislature reaffirms its support for the continuing efforts of the Armenians of Artsakh to develop as a free and independent nation, urges the President and Congress of the United States to support the self-determination of the Armenians of Artsakh, and calls on the President of the United States and the United States Department of State to engage proactively in multilateral conflict resolution efforts to ensure a lasting resolution to this conflict that ensures the fundamental right to self-determination for the Armenians of Artsakh.
  - f) The Legislature urges the United States government to take immediate action to assist the Armenians of Artsakh.
  - g) The Chief Clerk of the Assembly shall transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State, to the Administrator of the United States Agency for International Development, and to the Speaker of the House of Representatives.

### COMMENTS

#### 1. Author's comment

According to the author:

We need to provide assistance to the Armenians in the Republic of Artsakh to prevent a catastrophic humanitarian crisis. Azerbaijan has cut off power to Artsakh during the blockade that began on December 12, 2022. Over 120,000 people, including women, children, and elderly, disabled [individuals,] among others are left 53 days without heat in the freezing winter. The blockade completely severs Artsakh's only humanitarian lifeline to Armenia, preventing the transport of food, fuel, medicine, and other vital humanitarian supplies to the region. California is home to a large diaspora of Armenian Americans, many whose family and friends are being impacted by the continued blockade.

## 2. Background on Armenia, Artsakh, and the current blockade

The Kingdom of Armenia dates back to the fourth century B.C.E., and “Armenia prides itself on being the first state to formally adopt Christianity” in the same period.<sup>1</sup> Since then, Armenia has existed as an entity with “varying geographical boundaries and differing levels of political independence.”<sup>2</sup> At the beginning of the twentieth century, millions of Armenians lived under Russian or Ottoman rule.<sup>3</sup>

As the Ottoman Empire crumbled and Turkish nationalism rose in popularity, Ottoman officials increasingly restricted learning, property ownership, and religious practices for minorities, including the Armenians, in the empire.<sup>4</sup> The beginning of World War I, and the Ottoman decision to ally with Germany over Russia, provided cover for what would become the Armenian Genocide.<sup>5</sup> According to the University of Minnesota’s Genocide Education Outreach Program:

In May 1915, the deportation of the Armenians from Empire’s eastern provinces began apace. A series of consecutive laws passed by the Turkish government gave it the right to confiscate or otherwise impound Armenian properties and businesses left behind by the departing deportees as a wartime necessity. Other restrictions of similar or harsher nature soon followed, leaving the Armenian population defenseless, property-less, and generally destitute. Forced marches, massacres became more commonplace and widespread, especially on deportation routes. The Turkish military instituted a number of gruesome methods to exterminate the Armenian population, some of which would be adopted and refined by the Nazis a mere 25 years later. Those who were not killed outright by the military often faced starvation along the way. Rapes of women and girls were also commonplace.<sup>6</sup>

The Ottomans’ forced marches culminated in placing Armenians in concentration camps created by the Ottoman military; conditions in the camps were inhumane and

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<sup>1</sup> CIA World Factbook, Armenia (last updated May 9, 2023), <https://www.cia.gov/the-world-factbook/countries/armenia/>. All links in this analysis are current as of June 8, 2023

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> University of Minnesota, Holocaust and Genocide Studies, Armenia, <https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/armenia>.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

many Armenians did not survive.<sup>7</sup> Prior to World War I, there were over two million Armenians in the Ottoman Empire; by 1922, there were only 387,800.<sup>8</sup>

Although Armenia declared independence from Russia in 1918, it was reconquered by the Soviet Army in 1920.<sup>9</sup> Armenia was subsequently incorporated into the USSR.<sup>10</sup> The USSR placed the Nagorno-Karabakh region – also known as Artsakh – in its own autonomous oblast within Soviet Azerbaijan, even though Armenians are the ethnic majority in the region.<sup>11</sup> An Armenian separatist movement within Artsakh sought to end Azerbaijani control over the region; actual fighting began in 1988 and escalated with the fall of the USSR in 1991, at which point the Armenians of Artsakh declared independence.<sup>12</sup> In 1992, as part of the FREEDOM Support Act intended to assist nations in the former Soviet Union,<sup>13</sup> Congress prohibited the provision of assistance to the Government of Azerbaijan until the President determined that the Government of Azerbaijan was “taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.”<sup>14</sup> After a ceasefire in 1994, Armenians controlled Artsakh as an enclave within Azerbaijan.<sup>15</sup> Artsakh and Armenia remained connected by the Lachin Corridor, a five-kilometer-wide road which passes through Azerbaijan; in a 2005 statement to the United Nations, the Azerbaijani Minister of Foreign Affairs suggested that the Lachin Corridor be available to Armenians and Azerbaijanis and that security be provided by multinational peacekeeping forces.<sup>16</sup> Both Armenia and Azerbaijan continue to assert their claims to Artsakh/Nagorno-Karabakh.

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<sup>7</sup> *Ibid.*

<sup>8</sup> Kifner, *Armenian Genocide of 1915: An Overview*, N.Y. Times, [https://archive.nytimes.com/www.nytimes.com/ref/timestopics/topics\\_armeniangenocide.html?mcubz=0](https://archive.nytimes.com/www.nytimes.com/ref/timestopics/topics_armeniangenocide.html?mcubz=0).

<sup>9</sup> CIA World Factbook, *supra*.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.* Artsakh is not recognized as an independent nation by the United States.

<sup>13</sup> P.L. 102-511, 106 Stat. 3320 (1992).

<sup>14</sup> *Id.*, § 907. In 2002, as part of post-9/11 anti-terrorism efforts, Congress authorized the President to waive this prohibition with respect to certain types of assistance, provided that the President made certain certifications about the need for the assistance, including that the assistance would not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia. (P.L. 107-115, 115 Stat. 2118, 2128-2129.) The waiver was renewed most recently in 2022. (87 Fed. Reg. 39886-01 (Jul. 5, 2022).) In the same year, the United States Government Accountability Office (GAO) found that the State Department had not been providing Congress with adequate information about the assistance being provided to Azerbaijan pursuant to the waiver, and recommended a series of steps to better ensure that Congress had adequate information. (See GAO, *Foreign Assistance: Agencies Should Take Steps to Improve Reporting on Assistance to the Government of Azerbaijan* (Jan. 1, 2022), <https://www.gao.gov/products/gao-22-104619>.)

<sup>15</sup> CIA World Factbook, *supra*.

<sup>16</sup> Statement by H.E. Mr. Elmar Mammadyarov at the General Debate of the 60th Session of the General Assembly (Sept. 18, 2005), *available at* <https://www.un.org/webcast/ga/60/statements/aze050918eng.pdf>.

In 2020, Azerbaijan commenced a military effort to retake Artsakh; following a Russian-brokered ceasefire, Azerbaijan took control over much of the region.<sup>17</sup> Following the ceasefire, the Lachin Corridor – the only remaining connection between Artsakh and Armenia – was placed under the control of Russian peacekeepers.<sup>18</sup> In December 2022, however, Azerbaijanis blockaded the Lachin corridor.<sup>19</sup> According to Amnesty International, the blockade has left the Armenians in Artsakh without access to essential goods – including food and fuel – services, and life-saving medications.<sup>20</sup> In February 2023, the International Court of Justice (ICJ) ordered Azerbaijan to “take all measures at its disposal to ensure unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions.”<sup>21</sup> In April 2023, Azerbaijan instituted a checkpoint on the Lachin Corridor; the United States State Department issued a statement that it was “deeply concerned” that the checkpoint “undermines efforts to establish confidence in the peace process” and reiterated that “there should be free and open movement of people and commerce on the Lachin [C]orridor.”<sup>22</sup>

The Acting Consular General for the Consulate of the Republic of Azerbaijan in Los Angeles, writing in opposition, has expressed disagreement with the factual statements in the resolution and the characterization of the blockade. The Counselor for the Consular General of Armenia in Los Angeles, writing in support, reiterates the humanitarian crisis being faced by residents of Artsakh and cites the ICJ’s order that the Lachin Corridor remain unimpeded as proof that the ongoing blockade is targeting Armenians in Artsakh.

### 3. This resolution condemns the blockade of Artsakh and calls for various federal actions to aid Armenians in Artsakh

This resolution starts by recounting the 2,000 year history of the Armenian people living in and around Artsakh, as well as the long history of their oppression, including the Armenian Genocide of 1915; the separation of Artsakh from Armenia by Azerbaijani authorities; persecution during the reign of Joseph Stalin; death and displacement suffered under Soviet Azerbaijani rule; and reprisals for the democratic vote of the Armenians of Artsakh for their own independence. The resolution also celebrates the

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<sup>17</sup> CIA World Factbook, *supra*.

<sup>18</sup> *Ibid*.

<sup>19</sup> Heitz, *Analysis: Why tensions are high over a blockaded road in Azerbaijan*, PBS Newshour (Jan. 22, 2023), <https://www.pbs.org/newshour/world/analysis-why-tensions-are-high-over-a-blockaded-road-in-azerbaijan>.

<sup>20</sup> Amnesty International, *Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted* (Feb. 9, 2023), <https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>.

<sup>21</sup> International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Order (Feb. 22, 2023), p. 13, *available at* <https://www.icj-cij.org/public/files/case-related/180/180-20230222-ORD-01-00-EN.pdf>.

<sup>22</sup> United States Department of State, *Press Statement by Principal Deputy Spokesperson Vedant Patel, Actions on the Lachin Corridor* (Apr. 23, 2023), <https://www.state.gov/actions-on-the-lachin-corridor/>.

Armenians of Artsakh for their ability to consolidate a free and democratic society, including by holding a successful referendum for independence in 1991, despite constant attempts by Azerbaijan to undermine the security and prosperity of Artsakh. The resolution further notes that California is home to the largest Armenian population in the United States.

The resolution then recounts Azerbaijan's blockade of Artsakh and condemns it; calls for the Biden Administration to recognize the independence of Artsakh and take tangible action to hold Azerbaijan accountable for the blockade; and requests immediate humanitarian assistance to Armenians in Artsakh.

### **SUPPORT**

Armenian National Committee of America  
Armenian National Committee of America – Western Region  
Armenian Relief Society of Western USA  
Counselor of the Consulate General of Armenia in Los Angeles

### **OPPOSITION**

Acting Consular General for the Consulate of the Republic of Azerbaijan in Los Angeles

### **RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

SR 28 (Portantino, 2023) recognized April 24, 2022, as "State of California Day of Commemoration of the 107th Anniversary of the Armenian Genocide of 1915–1923," and called upon the President of the United States and the United States Congress to formally and consistently reaffirm the historical truth that the atrocities committed against the Armenian people constituted genocide.

HR 26 (Friedman, 2023) was substantially similar to SR 28.

AJR 27 (Nazarian, Res. Ch. 146, Stats. 2022) was substantially similar to SR 28.

SR 82 (Durazo, 2021) was substantially similar to SR 28.

HR 21 (Nazarian, 2021) was substantially similar to SR 28.

SR 31 (Borgeas, 2019) was substantially similar to SR 28.



AJR 16 (Rivas, Ch. 150, Stats. 2019) was substantially similar to SR 28.

SR 107 (Portantino, 2018) was substantially similar to SR 28.

SR 29 (Portantino, 2017) was substantially similar to SR 28.

AJR 37 (Friedman, Res. Ch. 75, Stats. 2018) was substantially similar to SR 28.

AJR 3 (Nazarian, Res. Ch. 56, Stats. 2017) was substantially similar to SR 28.

**PRIOR VOTES:**

Assembly Floor (Ayes 65, Noes 0)  
Assembly Judiciary Committee (Ayes 10, Noes 0)

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